Remarks

This is in response to the Office Action mailed on January 29, 2004. Claim 34 has been canceled without prejudice or disclaimer, and claims 31 and 33 have been amended. Claims 1-33 and 35 remain pending. Reconsideration and allowance are respectfully requested in view of the amendments and remarks provided herein.

I.   Claims 1-32

In section 2 of the Office Action, claims 1-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Turk et al., U.S. Patent No. 6,415,271. This rejection is respectfully traversed, and reconsideration is requested in view of the following remarks.

Claim 1 is directed to a digital data depository for storing digital data items for a user. Claim 1 recites, among other limitations, a data storage means, and means for encoding the data item into a plurality of parts, the parts being separately stored in the storage means.

There are advantages associated with the digital data depository including means for encoding data items into a plurality of separately stored parts, as recited by claim 1. For example, if some of the parts of the data items are corrupted, it is still possible to recover the original digital data since the plurality of parts are stored separately in the storage means, thus ensuring high data reliability. Application, page 3, lines 16-24.

Turk discloses a system and method to allow a commodity, such as gold, to be circulated as digital cash through a global computer network and/or private communications network. The value of the commodity is represented as digital data (i.e., electronic cash) stored in a smartcard of a customer. The customer can use the digital data to pay for goods and/or services. Turk, col. 8, lines 6-29.

The rejection cites column 8, lines 11-16 of Turk as apparently disclosing means for encoding a data item into a plurality of separately stored parts. This characterization of Turk is respectfully traversed. Turk discloses that a first customer can transfer all or a portion of the value of the digital data encoded on the customer's smartcard to a second customer:

> Once Customer(i) receives the digital data, he can transfer
> all or a portion of the value of the digital data encoded in the
> smartcard to another Customer(ii) 16, who also has a smartcard,
> for the payment of goods and/or services (arrow D).

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Turk, col. 8, lines 11-16. The transferred digital data can either be stored in the second customer's smartcard or the bank. Turk, col. 8, lines 16-20.

Turk fails to disclose or suggest means for encoding the data item into a plurality of parts, the parts being separately stored in the storage means, and means for decoding the encoded data item, as recited by claim 1. For example, when digital data in Turk is transferred from a first customer to a second customer, Turk fails to disclose means for encoding the data item into a plurality of parts, the parts being separately stored in the storage means. There is no suggestion in Turk that digital data is encoded into a plurality of parts being separately stored in a storage means, as recited by claim 1.

Reconsideration and allowance of claim 1, as well as claims 2-30 that depend therefrom, are respectfully requested for at least these reasons.

Claim 31 is directed at a method of storing digital data items. Although claim 31 is different in scope from claim 1, claim 31 includes limitations similar to those noted above with respect to claim 1. For example, claim 1 recites encoding a data item into a plurality of parts and storing the parts separately in said data storage means. Therefore, claim 31, as well as claim 32 that depends therefrom, is allowable for at least similar reasons to those provided above with respect to claim 1. Reconsideration is requested.

II.   Claims 33 and 35:

In section 3 of the Action, claims 33-35 were rejected under section 102(e) as being anticipated by Carroll, U.S. Patent No. 6,105,131. This rejection is respectfully traversed.

Claim 34 has been canceled, and claim 33 incorporates subject matter from claim 34. Claim 33 is directed to a method of protecting digital data, including:

- providing a data depository having data storage means for storing digital data electronically;
- providing for registration of users of the data depository, each user having an account with the depository; and
- in response to a request from a user, opening a transaction session with the user in which the user and the depository authenticate each other and performing a transaction instructed by the user in respect of a digital data item, the transaction

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being selected by the user from a plurality of available transactions including storage of the item in or retrieval of the item from the depository;

- wherein storage of the item includes encoding the item into a plurality of parts and storing the encoded parts separately in the data storage means.

Carroll relates to a secure server and method of operation for a distributed information system. Carroll's system includes personal vaults (see, for example, vaults 40 of Figure 2) that can be used to store user data in an encrypted form. Carroll, col. 5, lines 40-47.

The rejection cites the following section of Carroll as apparently disclosing encoding the item into a plurality of parts and storing the encoded parts separately in the data storage means:

> An object of the invention is a system including a secure server and processes enabling operating system integration through virtual logon and user data encrypted in "personal vaults".

Carroll, col. 1, lines 54-57. This interpretation of Carroll is respectfully traversed.

At column 5, lines 44-47, Carroll discloses that the personal vaults 40 assigned to users include logical collections of user data and user applications (vault processes) accessible only to authenticated users. Further, at lines 53-55, Carroll discloses that the personal vaults include vault processes, disk space, encryption and signature keys and certificates, and directory services entry.

However, Carroll fails to disclose or suggest encoding the item into a plurality of parts and storing the encoded parts separately in the data storage means, as recited by claim 33. Reconsideration and allowance of claim 33, as well as claim 35 that depends therefrom, is respectfully requested.

III.   **Conclusion**

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

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Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.

Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,

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